

**Minutes of the Regular Planning Board Meeting
Monday, November 24, 2008**

CONVENE: 7:03 p.m.

FLAG SALUTE: Board member Autorino led the flag salute.

ROLL CALL:

PRESENT: President Kohlstrand, Vice-President Ezzy Ashcraft, Board members Autorino, Cook, and Cunningham
Board Member Lynch arrived at 7:06

ABSENT: Board Member McNamara

STAFF PRESENT: Jon Biggs, Planning Services Manager; Andrew Thomas, Planning Services Manager; Tony Ebster, Permit Technician/Recording Secretary.

MINUTES:

Minutes from the meeting of August 25, 2008 (continued from October 27, 2008)

Approved with changes

M/S/C (Lynch/Ashcraft) to accept the minutes

Approved 4-0-1 (Cook abstained)

Minutes from the meeting of September 8, 2008 (continued from October 27, 2008)

M/S/C (Cunningham/Cook) to accept the minutes

Approved 4-0-1 (Autorino abstained)

Minutes from the meeting of September 22, 2008

Board Member Cook requested staff check the vote on the item at 2400 Mariner Square. She was not sure that she seconded the motion.

Board Member Cunningham asked about the status of the Alameda Towne Centre and when it was coming back before the Board.

M/S/C (Cunningham/Cook) to accept the minutes with changes

Approved with changes 6-0-0

AGENDA CHANGES AND DISCUSSION:

None.

STAFF COMMUNICATIONS:

(6-A.) Future Agendas

Staff reported on upcoming items for future meetings.

Vice President Ezzy Ashcraft asked about an item that was on the agenda for continuation and also on the agenda for December 8, 2008

(6-B.) Zoning Administrator Report – Meeting of October 30 and November 18, 2008

Staff provided the results of the past two Zoning Administrator meetings, which included a Use Permit Application and Variance approvals.

Oral Report

Staff updated the Board on the status of the Del Monte project and informed the Board that it is on hold until future uses can be examined.

Board member Cook asked if Use Permits would be needed for future uses and how parking and traffic circulation would be reviewed.

President Kohlstrand announced that Assistant City Attorney Farimah Faiz will be going out on maternity leave and Assistant City Attorney Mohammad Hill will be attending Planning Board meetings.

ORAL COMMUNICATION:

Mr. David Kirwin advised the Board about an upcoming informational meeting at the library on environmentally harmonious buildings and sustainable construction practices.

President Kohlstrand requested additional information from Mr. Kirwin including the time and location of the meeting as well as who is involved.

CONSENT CALENDAR:

President Kohlstrand asked that Item 8-A be moved to the Regular Agenda because members of the audience had submitted speaker slips.

M/S/C (Cunningham/Cook) to move item 8-A to Regular Agenda items and approval to continue items 8-B and 8-C to a future meeting date. Approved 6-0-0.

REGULAR AGENDA ITEMS:

(8-A.) Use Permit – UP006-0010 – 1310 Central Avenue – Valero Gas Station. Review of Use Permit for the extended hours of operation for the Alameda Valero Gasoline Station, an existing legal nonconforming service station. (DV)

Mr. Biggs presented the staff report.

Vice President Ezzy Ashcraft pointed out that a letter had been received and that one of the pages of the letter was not included.

Staff read the second page of the letter.

The public comment was opened.

Ms. Patricia Kinzel spoke in support of the applicant and stated that the owners of the gas station have complied with the conditions of the Use Permit.

Ms. Rose Ryan stated that she had no complaints about the gas station. She pointed out that no notification was given for the cancellation of the meeting of November 10, 2008.

Staff explained the notification process when a meeting is canceled.

Vice President Ezzy Ashcraft appreciated the 6-month review report and wanted to remove the requirement to bring a review of the Use Permit back to the Planning Board every six months.

Board member Cook confirmed that if the owner does not comply with the conditions of approval they might be subject to revocation of the Use Permit

M/S/C (Cunningham/Lynch) to accept the six-month review of the Use Permit for the Valero Gas Station and noted that further reviews of the use permit were not necessary.

Approved 6-0-0.

(9-A.) Second Unit Ordinance. Proposed amendment to the Alameda Municipal Code to allow attached or detached secondary housing units to be constructed on sites with a single-family dwelling. In compliance with State Secondary Housing Unit law, the proposed ordinance provides for the administrative review and approval of secondary units meeting the development standards contained in the code. (JB)

Mr. Biggs presented the staff report.

Board member Cook asked about building on a vacant lot in an R-4 zone district.

Staff clarified that an owner would need to determine how best to develop the lot. They would need to choose between being limited to a single family dwelling with a second unit, or develop the site with the number of residential units allowed by the zoning code.

Board member Lynch addressed building a second unit and stated that some owners cannot afford to build two units at the same time. Therefore, the owner builds one unit then the second.

Board member Cunningham asked about the 10,000 square foot lot size requirement and why it was not included as a standard.

Staff pointed out that the intent of the States' laws was to facilitate construction of second units and that with so few 10,000 square foot lots in Alameda, the adoption of an ordinance with a 10,000 square foot lot size minimum could be viewed as not facilitating second units.

Mr. Christopher Buckley of the Alameda Architecture Preservation Society (AAPS) mentioned items outlined in the letter sent to the Board from the AAPS. He believes that the state is being too intrusive. He wanted to emphasize that no review will be required to build the second unit if all the requirements are met. He also expressed concern about the parking requirement being met. He had suggestions to firm up the ordinance, such as having a minimum lot size, having the unit owner occupied, lot coverage maximums, discouraging over-concentration, having design controls, and limiting demolition.

Ms. Valerie Turpen stressed a few points such as limiting density and maintaining architectural integrity, having a minimum lot size, and having design review.

Ms. Corinne Lambden expressed concern about the second unit ordinance, specifically the single-family dwelling neighborhoods. She is concerned about lot size and excessive lot coverage, and the adverse effects to the design of existing buildings. She also expressed concern with the parking requirements and a change in the overall feel of Alameda.

Mr. David Kirwin stated he appreciated the difficulty of addressing housing in Alameda. He is concerned that the State is trying to get too involved in dictating what happens on the local level. He also mentioned Measure A and asked if it protects Alameda from the adverse effects of the Second Unit Ordinance.

The public comment was closed.

President Kohlstrand requested staff to address how Measure A affects the new ordinance.

Staff replied that second units are not counted towards the residential density of a site. Regarding parking and set backs, the builder would still be required to comply with the requirements of the R-1 Zone District.

Vice President Ezzy Ashcraft asked about the parking requirement and noted it is less for a second unit. She would like to preserve the character of the neighborhoods but understands the code for second units must comply with State law. She mentioned a project on Morton that would be a good example of a second unit being built.

Board member Cook expressed concern that cars will fill the streets instead of being parked off-street.

Board member Lynch asked Mr. Buckley about the AAPS letter and the owner/occupancy requirement and how a property owned in trust would be dealt with. He believes that at least one owner should live on the property.

Mr. Buckley deferred to the City Attorney for legal guidance.

It was clarified that the requirement that an owner occupy the unit is not part of the ordinance.

City Attorney Faiz clarified that it is permissible to require owner occupancy of one of the units on the site.

Board member Cook addressed the 10,000 square foot requirement and stated that it was a first step in implementing the second unit ordinance. She said that it was a way to protect the integrity of the R-1 districts.

Board member Cunningham asked if there had been any applications for a second unit and asked if there was a definition for an attached unit. He supports a minimum lot size for second units.

Board member Cook asked what was preventing someone from building a second unit and converting both units into one single-family unit. She expressed concern that design review would not be required.

Staff clarified that if an applicant wants to convert the units, it would have to be architecturally compatible and the kitchen in the second unit would have to be removed.

Board member Lynch asked about the lot size and the minimum requirements. He suggested that parking and setbacks be looked at carefully.

Staff provided the Board with the number of lots in the 'R' zoning districts and the different sizes.

President Kohlstrand addressed the suggestion requiring a 300-foot distance between lots that have the second unit built on them. She also talked about restrictions and felt that there should be a minimum lot size. She also noted that there should be consideration regarding the street facades and the percentage of landscaping coverage.

Vice President Ezzy Ashcraft would like to see a minimum lot size and a landscaping requirement. She also wants parking and where it would be provided to be considered. She asked about the design guidelines and what standards apply to the review. She asked if the requirements could be the same as the City of Alameda's design guidelines.

Staff stated that some of the design guidelines are too broad and the architectural compatibility standards in the draft ordinance provided more specific design requirements and added that the code could include wording stating that units will be compatible with the Golden Mean.

Board member Cunningham said that they might be opening the floodgates if the requirements are not set in stone regarding the second units. He also asked that if it were an historic structure, would it need to be reviewed by the Historical Advisory Board (HAB).

President Kohlstrand suggested going through each change to the ordinance that the Board would like to consider.

Staff read the list of changes to the draft code based on the Board's discussion. Those suggestions included providing a minimum lot size, requiring owner occupancy, prohibiting changes to walls facing the street, integrating coverage maximums, and parking requirements.

Board member Cunningham clarified what is meant by the Golden Mean.

President Kohlstrand asked about the timing and if staff could develop some suggestions and bring the item back for Board consideration

Staff stated that a review of the Boards comments and suggestions would be conducted and a revised draft ordinance would be brought back to the Board at a future meeting.

Board member Lynch said that staff was on the right track given what was discussed by the Board.

Board member Autorino asked about the percentage of the second unit and that there is a 600 square foot restriction on the of the second unit.

Board member Lynch pointed out that there might be potential code compliance issues if the ordinance is not written carefully. He stated that the Board needs to balance the

unintended consequences and the need to be cautious with what the Board wants to include in the requirements.

Board member Autorino commented on the regulations relating to condominium conversions and asked if the second unit could be divided and sold.

The Board provided input and guidance to staff on the standards they would like included in the ordinance.

M/S/C (Cook/Cunningham) to continue the item to the meeting of December 8, 2008.
Approved 6-0-0

(9-B.) Draft Transportation Element General Plan Amendment and Final Environmental Impact Report - Recommendation to Council. A General Plan amendment to update and amend the Transportation Element of the General Plan. The proposed Transportation Element Policies would apply citywide. (AT)

Mr. Andrew Thomas presented the staff report and pointed out some of the issues pertaining to the Transportation Element and Final Environmental Impact Report.

Board member Cook asked about amendment number five regarding new classifications for school and recreation zones.

President Kohlstrand requested John Knox White and Michael Krueger from the Transportation Commission discuss issues in the Transportation Element.

Mr. White spoke about road widening and intersections and said that it is important to mitigate future development impacts on traffic. He asked if travel times are really reduced from road widening. He said that most traffic issues are just being pushed off to the future. He wants to see less traffic instead of mitigated traffic issues from new development. He also spoke about TDM and how it can be used to mitigate overall impacts.

Michael Krueger addressed the Board and reiterated the comments in the letters on the EIR. He spoke about items in the Transportation Element such as the widening of some streets, implementation of the Transportation Master Plan, and the approval of new developments and the traffic associated with them. He also stated that the Planning Board has the ability to not approve a project if the negative impacts outweigh the positive impacts.

Mr. David Kirwin addressed the Board. He said that he is concerned because the Transportation Element suggests that the City will just have to deal with the extra traffic, longer back ups, and lower levels of service. He suggested that every street is a shared street and less emphasis should be put on the marking of streets. He also expressed concern with the implementation of elements of the plan and how they will be paid for.

The public comment was closed.

Board member Lynch asked if after all the work that had been done and time and money spent, there was a philosophical difference. He asked what the purpose was for the meeting.

President Kohlstrand said that they are supposed to provide feedback, suggestions, and guidance to better the Transportation Element. She asked if any Board members had comments regarding the certification of the EIR. She was concerned that the responses to comments about the element were not adequate. She wants staff to respond to them in some way.

Staff clarified that the responses to comments pertain to the adequacy of the environmental analysis, not the merit of the project. Staff is willing to reconsider how to provide written responses in the future.

President Kohlstrand stated that it is important to summarize all comments. She wants all major issues pointed out so the Board and public are aware of them.

Mr. Kirwin said that the public would be better served if it were explained more clearly, as to how questions are framed.

Vice President Ezzy Ashcraft thanked the Transportation Commission and staff for their work on the Transportation Element. She likes the overall theme of not being able to build their way out of traffic issues. She asked about some of the wording regarding use of infrastructure. She takes issue with the word “etcetera” as being too vague. She is concerned about the flexibility issue and staff’s recommendation. Another concern is moving traffic further down the line and not really solving the traffic problem. She asked staff if the Transportation Element was too restrictive.

Staff responded by saying that once the policy is in place, it must be followed. Staff provided other options depending on the situation and clarified the intent behind the policy.

Board member Cunningham asked how to address the issue of Levels of Service (LOS) for all modes of travel.

Staff pointed out that there are thresholds of significance that are used to gauge how and when an impact needs to be addressed. The thresholds are quantitative for automobiles and qualitative for other modes.

Mr. Obaid Kahn addressed the Board and stated that the goal is to have the public right of way shared equally by all modes of transportation.

Board member Cunningham asked how the LOS is determined noting there is no clear criteria.

President Kohlstrand is concerned because there are no standards for alternative modes of transportation. She is concerned about leaving it too open-ended.

Board member Cook stated that there is a tough philosophical question to be answered. She expressed concern regarding adding turn lanes and how it can speed up the car but is worried about sacrificing pedestrian safety and service.

Mr. Naclerio pointed out that the City has regional responsibilities and said that some of the guidelines that are in the Transportation Element are not the same as the Cal Trans policies.

Staff pointed out that this policy is about what can be used for mitigation on development and the traffic caused by new development.

Mr. Naclerio stated that widening is required by the CMA to keep funding intact and the City of Oakland has gone forward with some widening of major arterials. He clarified what is being presented to the Planning Board and said that better use of infrastructure is part of the improvement plan. He is concerned that if the flexibility is not included in the approval of the document, it will create more safety problems.

Vice President Ezzy Ashcraft expressed concern with seeing the proposal as automobile-centered. She wants more consideration for pedestrian and bicycle modes of transportation. She referred to the City of Davis that was mentioned by a public speaker stating they have many bicycle riders and many streets in Alameda are not bicycle-friendly. She also asked about bike parking near Alameda Theater and when it will be available. Another improvement she noted was the east/west sidewalk at Alameda Towne Centre.

Board member Autorino agrees and added he wants to maximize alternative forms of transportation and avoid putting the Board members into a box. He wants more flexibility in the policy. He is not sure how negative impacts are being measured.

Board member Cook's main concern is that they don't know how they are measuring the service levels. She is concerned about being boxed in as well.

Staff clarified that there are two types of road widening. One is re-striping the road and the second is tearing out curbs to make more lanes. He added that there are few streets that would need curb removal for widening.

Mr. Kahn stated that the right turn lane is the easiest turn for motorists to make.

Vice President Ezzy Ashcraft asked about other departments and commissions and if they have any sense of how they could tell if the alternative modes are being impacted by widening and re-striping of roads to create more traffic and turn lanes.

Mr. Kahn said that they are using guidelines from AC Transit to measure the potential impacts of automobile traffic on the pedestrian, bicycle, transit modes.

Board member Cook stated that a drastic measure must be taken to get people out of their cars and into alternative modes of transportation and if necessary, a statement of overriding consideration may be used to approve a project with significant traffic impacts.

Board member Autorino asked if they would have the ability to approve a project even if there are significant traffic impacts and if it goes against the approved Transportation Element. He also asked how that project would come before the Planning Board. He expressed concern that this policy would discourage development in the City.

Staff stated that the project would come before the Planning Board through consideration of an EIR. The only way to approve the project would be to find that the positive benefits would outweigh the negative impacts. This is known as a statement of overriding consideration.

Board member Lynch would like to see a community with fewer vehicles. He also stated that the departments that have created the document would like to be able to move forward. He stated that for developers, money is an issue when it comes to preparing EIRs.

Vice President Ezzy Ashcraft asked if the item could be continued to gather more information to make a better assessment of the levels of service.

Mr. Kahn reiterated that they are depending on approval of the EIR so they can approve the Pedestrian Plan to secure grant funding. He also said that the matters at hand have been submitted to the Transportation Commission and are ready to move forward.

Mr. White added that with large developments, they do not want to be responsible for having to pay fees later down the road for something that they have no control over, mainly traffic mitigation. He suggested that there are ways to amend the General Plan so it reflects what they want to see. He wants to reduce congestion instead of accommodating more traffic in the community.

President Kohlstrand wanted to add language that would account for exceptions and allow improvements if an acceptable level of service can be maintained. She wants the standards in place.

Vice President Ezzy Ashcraft asked what would happen if they put standards in place and a developer comes in that might not be able to meet the standards. She is less concerned about developers who might slip through, than her concern for what will happen to the city. She wants more specificity built in to the policy.

Staff suggested that the Board could sever amendment number four, vote on it separately, and then vote on the rest.

Vice President Ezzy Ashcraft wanted some of the language changed to be more specific as to what the guidelines would be. She also asked what alternative connections would be implemented. She asked what a traffic toolbox is.

Board member Cook wanted to include some language regarding public obstacles, such as transformers, and improving sidewalk dining and the pedestrian environment. She asked about the map and where it lists the secondary transit corridor and what it means.

Mr. Kahn replied by saying that these are potential streets that could provide east/west and north/south connectivity in Alameda.

Vice President Ezzy Ashcraft mentioned that the bus used to go down Willow to Otis. When it was taken out, it created a hardship for people.

M/S/C (Cook/Autorino) to Certify the EIR
Approved 6-0-0

M/S/C (Ezzy Ashcraft/Lynch) to approve the Draft Transportation Element with all staff recommendations except for amendment number four.
Approved 6-0-0

M/S/C (Autorino/Lynch) to approve amendment number four with changes.
Approved 6-1-0 (Cook no)

WRITTEN COMMUNICATIONS:

(10-A.) Report to ARRA Regarding SunCal Redevelopment Plan

Mr. Thomas updated the Board and reported that SunCal is working on their draft master plan for presentation in December and is developing ballot language for the November 2009 election.

A staff report on parking was distributed to the Board.

Board member Cook asked if there had been any surveys done since the parking garage had opened.

Board member Lynch expressed appreciation for the work done regarding the historic theater and Alameda Towne Centre.

BOARD COMMUNICATIONS:

Vice President Ezzy Ashcraft updated the Board on the Safeway gas station and their efforts to sell biodiesel.

ADJOURNMENT: 10:48 p.m.

Respectfully submitted,

Jon Biggs, Secretary
City Planning Board

This meeting was audio and video taped.